



Practitioner's Docket No. Caso.R-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard Caso and R. Brand Caso

Application No.: 10/686,757

Group No.: 3763

Filed: 10/15/2003

Examiner: Not Assigned

For: APPARATUS FOR DIRECTIONAL GUIDANCE OF A VASCULAR DEVICE AND A METHOD OF USE

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS
CONSIDERED AS OMITTED BY THE P.T.O.—RESPONSE TO**

05/26/2004 HTECKLU1 00000037 10686757

"NOTICE OF OMITTED ITEMS"

01 FC:1460

130.00 OP

NONPROVISIONAL APPLICATION

1. This is in response to the "NOTICE OF OMITTED ITEMS" mailed for this application on April 15, 2004. A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.
2. Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers filed on October 15, 2003.
3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:
 - A. Petitions under 37 C.F.R. § 1.53(e) for a review of the determination that the items in issue were omitted.
 - B. Submits the petition fee under 37 C.F.R. § 1.17(i).
 - C. Submits the attached evidence of the deposit of the items in issue.

4. Fee Payment

Authorization is hereby made to charge the amount of \$130.00 to Credit card as shown on the attached credit card information authorization form PTO-2038.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

5. Request for Refund

It is respectfully requested that, upon grant of the petition under 37 C.F.R. § 1.53(e), the petition fee be refunded by a refund check.

6. Provisional Request for Filing Date as of This Date of Submission of Omitted Items in Issue--Provisional Petition under 37 C.F.R. § 1.182.

In the event that the Petition to Establish Prior Receipt in the P.T.O. of Omitted Items in Issue does not result in a decision by the P.T.O. that the omitted items in issue were indeed received by the P.T.O. on the original filing date for this application, applicant hereby:

- (a) submits the omitted items listed on the "NOTICE OF OMITTED ITEMS";
- (b) submits a declaration in compliance with 37 C.F.R. §§ 1.63 and 1.64 referring to such omitted items;
- (c) petitions under 37 C.F.R. § 1.182 to accept the date of this submission as the application filing date; and
- (d) submits the petition fee under 37 C.F.R. § 1.17(h).

7. Petition Fee for Provisional Petition under 37 C.F.R. § 1.182

The fee under 37 C.F.R. § 1.17(h) is paid as follows:

Authorization is hereby made to charge the amount of \$130.00 to Credit card as shown on the attached credit card information authorization form PTO-2038.

8. Request for Refund of Petition Fee under 37 C.F.R. § 1.182

Upon grant of the petition under 37 C.F.R. § 1.53(e) and the determination by the P.T.O. that the omitted pages in issue were filed with the original papers filed for this application, applicant respectfully requests that the petition fee under 37 C.F.R. § 1.182 be refunded by a refund check.

Date: May 20, 2004

Reg. No.: 37930
Tel. No.: 1-714-668-1900
Customer No.: 22197



Signature of Practitioner

Gene Scott
Patent Law & Venture Group
3140 Red Hill Avenue
Suite 150
Costa Mesa, CA 92626-3440



Practitioner's Docket No. Caso.R-01

**EVIDENCE OF DEPOSIT OF ITEM(S)
WITH APPLICATION INDICATED AS OMITTED IN THE
"NOTICE OF OMITTED ITEMS"
—NONPROVISIONAL APPLICATION**

In connection with the "NOTICE OF OMITTED ITEMS" dated April 15, 2004, applicant submits the following evidence that the item(s) indicated as omitted were in fact deposited with the P.T.O. on October 15, 2003, which is the original date on which the papers for this application were deposited:

A photocopy of the return post card showing thereon that the item(s) indicated as omitted were in fact deposited.

Copy of Transmittal Letter

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date May 6, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EL967845882US.

Date: May 20, 2004


Janice R. Kuhm

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).*

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



PTO Acknowledgment Postcard

Application Type New Application Date Sent 10/15/2003
Practitioner Docket No. Caso.R-01 Customer No. 22197
Application No. New

Examiner Not Assigned Group Art Unit IPEA
Mail Service Express Mail Express Mail Label No. EL967845278US

Inventor(s) Richard Caso; R. Brand Caso

Invention Title APPARATUS FOR DIRECTIONAL GUIDANCE OF A VASCULAR DEVICE AND
METHOD OF USE

<u>Documents Submitted</u>	<u>Sent</u>	<u>pages</u>		<u>Sent</u>	<u>pages</u>
Oath or Declaration	Yes	1	Drawings	Yes	3
Transmittal Letter		1	Return Receipt Postcard		1
Specification, Claims, Abstract		20			
Recordation of Assignment		1			
Assignment of Invention		2			

Payment Type Check Number 1773 Fee \$ \$425.00
22240 U.S. PTO
10/686757

Contact Person Gene Scott Contact No. 1 714 668-1900





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Transmittal Letter

Date Mailed: October 15, 2003

Attorney Docket Number: Caso.R-01

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

To the Commissioner for Patents:

Please file the following enclosed patent application papers on behalf of a small entity:

Applicants' Names: Richard Caso and R. Brand Caso

Title: APPARATUS FOR DIRECTIONAL GUIDANCE OF A VASCULAR DEVICE AND METHOD OF
USE

- ✓ Specification, Claims, and Abstract: No. of Pages: Twenty
- ✓ Formal Drawing(s): Three sheets enclosed
- ✓ Declaration: Date Signed: September 19, 2003
- ✓ Recordation of Assignment
- ✓ Assignment of Invention
- ✓ Check Number 1773 for \$425 (385 for filing fee and \$40 recordation fee)
- ✓ Return Receipt Postcard Addressed to Agent

Respectfully submitted,

Customer Number: 022197

Gene Scott #37,930 Agent
Patent Law & Venture Group
3140 Red Hill Avenue, Suite 150
Costa Mesa, CA 92626-3440



22197

PATENT TRADEMARK OFFICE

EXPRESS MAIL Label # EL967845278US; Date of Deposit: October 15, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service using "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to "Mail Stop: Patent Application, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450."

Signed: